

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 19-mj-1081

Eusebio Salgado Castaneda

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about June 22, 2019, in the Western District of New York, the defendant, Eusebio Salgado Castaneda, an alien who had previously been deported and removed from the United States on or about July 2, 2015 at or near El Paso, Texas, was found in the United States, without having obtained the express consent of the Attorney General of the United States, or his successor, the Secretary for Homeland Security, to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

WILLIAM J. SCHOENROCK
Enforcement Officer
U.S. Customs and Border Protection
Printed name and title

Sworn to before me and signed in my presence.

Date: June 25, 2019


Judge's signature

City and State: Buffalo, New York

HON. JEREMIAH J. MCCARTHY
United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

William J. Schoenrock, being duly sworn, deposes and states:

1. I am an Enforcement Officer with United States Customs and Border Protection (CBP) within the Department of Homeland Security (DHS), formerly a Senior Inspector with the United States Immigration and Naturalization Service, and have been so employed in immigration law enforcement for the past twenty-seven years.

2. As part of my current duties, I have become involved in an investigation of a suspected violation of Title 8, United States Code, Section 1326(a).

3. I make this affidavit in support of the annexed criminal complaint charging Eusebio SALGADO CASTANEDA (hereinafter, "SALGADO"), born 1970, in Mexico, an alien, a/k/a as Juan Carlos GORDILLO MONTES, a/k/a Rafael Araujo SALGADO, with being found in the United States after having been previously deported from the United States, without first applying to Attorney General, or his successor, the Secretary of the Department of Homeland Security, for permission to re-enter the United States, in violation of Title 8 United States Code, Section 1326(a).

4. The statements contained in this affidavit are based upon my personal knowledge and upon information provided to me by other U.S. Customs and Border Protection officers. Because this affidavit is being submitted for the limited purpose of

securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Eusebio SALGADO CASTANEDA did knowingly violate Title 8, United States Code, Section 1326(a).

5. The Department of Homeland Security is an agency within the executive branch of the government of the United States, and is the agency responsible for making the determination to admit an individual to the United States or determine whether an individual, found within the United States, has any valid immigration status. Information concerning an individual's true identity, immigration status, criminal history, and prior immigration history, such as prior removals, visa refusals, and entries, are matters material to these determinations.

6. On June 22, 2019, at approximately 3:30 p.m., at the Peace Bridge port of entry in Buffalo, New York, in the Western District of New York, CBP Officer T. Meacham was conducting primary inspections when a vehicle bearing State of Florida registration entered his lane for inspection. SALGADO was a passenger in the vehicle. The driver indicated that they had made a wrong turn and inadvertently entered onto the Peace Bridge toward Canada. SALGADO presented, as proof of identity, a Mexican voter's identity card number GOMJ760080109XXX containing the name Juan Carlos GORDILLO MONTES, born 1976 and purported that to be his true identity. Officer Meacham, as part of normal procedure, referred the vehicle and occupants to secondary inspection in order to verify their immigration status in the United States.

7. CBP Officer W. Brunelle commenced the secondary inspection. Officer Brunelle reported the he examined the Mexican voter's identity card which contained the name "Juan Carlos GORDILLO MONTES" and a photograph that closely resembled SALGADO. Officer Brunelle called out the name "Juan Carlos," at which time SALGADO responded by standing up.

8. Next, Officer Brunelle entered SALGADO's fingerprints into the Integrated Automated Fingerprint Identification System ("IAFIS") to substantiate any immigration history he may have in the United States. This query resulted in a positive response revealing that SALGADO was issued an FBI number in the name "Rafael Araujo SALGADO," a Mexican citizen born in 1972, and an immigration fingerprint identification number ("FIN") in the name "Eusebio SALGADO CASTANEDA," a Mexican citizen born in 1970. The FBI number was linked to numerous criminal charges including a conviction in the state of North Carolina for possession of cocaine with intent to sell or deliver. The immigration fingerprint identification number was issued as a result of the defendant being previously deported from the United States in July 2015, and referenced an alien file number.

9. Enforcement Officer M. Will conducted immigration electronic database record checks using the alien number and immigration fingerprint identification number. These queries revealed that SALGADO was encountered by Immigration and Customs Enforcement ("ICE") officers at the Forsyth County, North Carolina probation office on March 10, 2015. SELGADO was found to be unlawfully present in the United States and was taken into immigration custody. Immigration records further revealed that SELGADO


was ordered removed from the United States by an immigration judge on June 1, 2015 and was physically deported from the United States to Mexico on July 2, 2015.

10. Next, Officer Will contacted the National Records Center in Lee's Summit, Missouri where alien files are stored, and requested copies of deportation documents from SALGADO's alien file. Shortly thereafter, Officer Will received electronically immigration form I-205 (Warrant of Removal/Deportation) and immigration form I-294 (Warning to Alien Removed or Deported). Form I-205 contained SALGADO's photograph, right index fingerprint, and signature, and verified his deportation to Mexico on July 2, 2015. Form I-294 contained and a warning that SALGADO is prohibited from entering, attempting to enter or being found in the United States for a period of ten years.

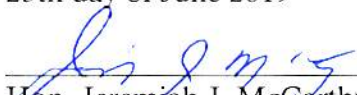
11. Officer Will then advised SELGADO of his Miranda Rights. SELGADO, with the assistance of a Spanish language interpreter (Interpreter's identification code "SPAJ"), acknowledged that he understood his Miranda rights, and agreed to waive his rights and give a statement. In a written statement, SALGADO admitted his true name, "Eusebio SALGADO CASTANEDA," and that he is a citizen of Mexico, born in 1970. SELGADO also admitted that he provided the Mexican identity voter's card to CBP officers and claimed to be "GORDILLO MONTES" to hide the fact he had been previously deported. SALGADO further admitted that he was deported from the United States in 2015 and that he cannot return for ten years. SELGADO also admitted that he never applied for or received permission to return to the United States.

12. Record checks failed to find any record that SELGADO had applied for or received the requisite permission to return to the United States from the Attorney General or the Secretary of the Department of Homeland Security.

WHEREFORE, I respectfully submit the foregoing facts to establish probable cause to believe that on June 22, 2019, Eusebio SALGADO CASTANEDA, was found in the United States after having been previously deported and removed from the United States, without first applying to Attorney General, or his successor, the Secretary for the United States Department of Homeland Security, for permission to re-enter the United States, in violation of Title 8, United States Code, Section 1326(a). I further request that a Criminal Complaint in the form annexed be issued.


William J. Schoenrock
Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me this
25th day of June 2019


Hon. Jeremiah J. McCarthy
U.S. Magistrate Judge